

REMARKS

There are now pending in this application Claims 1-21, of which Claims 1, 8 and 15 are independent. Claims 1, 8 and 15 have been amended.

In view of the above amendments and the following remarks, favorable reconsideration together with entry of the above amendments and allowance of the above application is respectfully sought.

As the Examiner will appreciate, each of the independent claims has been amended to more clearly recite the supporting member and its features as it relates the present invention. More specifically, independent Claim 1, which is directed to a vacuum container having a first substrate and a second substrate arranged so as to face each other as components, now more clearly recites a supporting member extending from the vertically extending surface in the longitudinal direction and fixing the spacer within the vacuum container without the spacer contacting the supporting substrate. Independent Claims 8 and 15 also recite a supporting member extending from the vertically extending surface in the longitudinal direction but further recite fixing the spacer within the vacuum container so as to provide a gap between the spacer and the supporting substrate. Accordingly, as now set forth in each of the independent claims, the invention makes clear that the supporting member in the present invention extends from the vertically extending surface in the longitudinal direction.

Each of independent Claims 1, 8 and 15 was rejected under 35 U.S.C. §102(b) as being anticipated by Anderson, et al. (U.S. Patent No. 5,811,927). In view of the above clarifying amendments and the following remarks, the rejection is respectfully traversed.

In the outstanding Office Action the Examiner took the position that there is a supporting member 112 provided at the vertically extending surface and extending from the vertically extending surface in the longitudinal direction and provided at a longitudinal end of the spacer. Although Anderson, et al. provides a metallic compliant member 112 (identified in the Office Action as corresponding to the claimed supporting member), that member is provided at the longitudinally extending surface of the spacer, i.e., the bottom surface of the spacer 104, and not the vertically extending surface. In the present invention, however, the supporting member stands from the vertically extended surface of the spacer, and in the longitudinal direction, to fix the spacer within the vacuum container without the spacer contacting the supporting substrate.

Applicant therefore respectfully submits that each of independent Claims 1, 8 and 15 is distinguishable over the applied and has been placed in condition for allowance.

The remaining claims in the above application are dependent claims which depend either directly or indirectly from one of the above-discussed independent claims and are therefore patentable over the art of record for reasons noted above with respect to the independent claims. In addition, each recite features of the invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

Applicant respectfully requests entry of this Amendment After Final as is being presented in an earnest effort to advance prosecution and place the application in condition for allowance. Applicant submits that the amendments to each of the independent claims improve upon the form of those claims more clearly recite Applicant's invention. Thus, it is believed that entry of the above amendments will advance prosecution and place the application in condition

for allowance. Applicant did not previously make these amendments as Applicant was of the firm belief that the claims previously on file were allowable of the art of record.

Applicant respectfully submits that all outstanding matters in the above application have been addressed and that this application is in condition for allowance. Favorable reconsideration and early passage to issue of the above application is respectfully sought.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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